## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOSHUA SHUMAN, a minor by and through his mother and natural guardian, TERESA SHERTZER, and TERESA SHERTZER Plaintiffs,

V.

PENN MANOR SCHOOL DISTRICT, PENN MANOR SCHOOL BOARD, GARY B. CAMPBELL, individually and as Superintendent of the Penn Manor School District,

**AND** 

DONALD STEWART, individually and as Acting Superintendent of the Penn Manor School District,

AND

JANICE M. MINDISH, individually and as Principal of Penn Manor High School of the Penn Manor School District,

AND

BRIAN D. BADDICK, individually and as Assistant Principal of Penn Manor High School of the Penn Manor School District, AND

PHILIP B. GALE, individually and as Dean of Students of Penn Manor High School of the Penn Manor School District,

**AND** 

CAROLE FAY, individually and as a teacher and Agriculture Coordinator at Penn Manor High School of the Penn Manor School District,

Defendants.

CIVIL ACTION No. 02-CV-3594

(GARDNER)

P	T.	Δ	T	V	$\Gamma$	F	ľ	FS	19	P	R	2	N	1	)	ገ	5	1	7.1	n	1	V	$\mathbf{F}$	L	?	n	I	(	רי	Γ	S	T.	T	P
	11.	◚		٦.				, ,	,		17	١.	.,		١,	•	1	•	1/	.,	,	•	ı٠.		N			•			. 7			

· · · · · · · · · · · · · · · · · · ·	an and Teresa Shertzer have proved by a Defendants violated Joshua Shuman's right to
access to information under the First Amenda	e e e e e e e e e e e e e e e e e e e
YES	NO

IF YOU ANSWERED "YES" TO THIS QUESTION, THEN GO ON TO QUESTION 2 AND 3. IF YOU ANSWERED "NO" TO THIS QUESTION, THEN GO TO QUESTION 5.

2. Which	h Defendants do you fin	d violated Joshua S	human's First Amendment
Janice Mindish		YES	NO
Brian Baddick		YES	NO
Philip Gale		YES	NO
Donald Stewart		YES	NO
Penn Manor School			
District and Board		YES	NO
preponderance of the	ause of any injuries suffe	tion of Joshua Shun	nan's First Amendment rights
	YES		NO
<ul><li>5.</li><li>4. Do you</li><li>preponderance of the</li></ul>	ou find that Joshua Shun	nan and Teresa She human should be av	warded damages to compensate
	YES		NO
	ED "YES", THEN IN W		\$
	Janice Mindish		
	Brian Baddick		%
	Philip Gale		%
	Donald Stewart		
GO ON TO THE NE	Penn Manor School District and Board EXT QUESTION		

preponderance of the evider		a Shertzer have proved by a seized Joshua Shuman and that the e from unreasonable seizures under the
	YES	NO
	ES" TO THIS QUESTION, THE PNO" TO THIS QUESTION, T	EN GO ON TO QUESTIONS 6 AND HEN GO TO QUESTION 9.
6. Which Deferrights?	ndants do you find violated Josh	hua Shuman's Fourth Amendment
Janice Mindish	YES	NO
Brian Baddick	YES	NO
Philip Gale	YES	NO
Penn Manor School District and Board	YES	NO
preponderance of the evider	that Joshua Shuman and Teresance that the violation of Joshua any injuries suffered by him?	a Shertzer have proved by a Shuman's Fourth Amendment rights
	YES	NO
	S" TO THIS QUESTION, THI SWERED "NO" TO THIS QUE	EN GO ON TO THE NEXT ESTION, THEN GO TO QUESTION
preponderance of the evider	that Joshua Shuman and Teresance that Joshua Shuman should or as a result of the violation of I	be awarded damages to compensate
	YES	NO
IF YOU ANSWERED "YE	S", THEN IN WHAT AMOUN	NT? \$

HOW DO YOU FIN	ID THESE DAMAGES	APPORTIONED?		
	Janice Mindish			
	Brian Baddick			
	Philip Gale			
	Penn Manor School District and Board		%	
GO ON TO THE NI	EXT QUESTION			
preponderance of the	ou find that Joshua Shun e evidence that any of th ourteenth Amendment?		r have proved by a Joshua Shuman's right to D	ue
	YES		NO	
AND 11. IF YOU A		THIS QUESTION, TH	ON TO QUESTIONS 10 EN GO TO QUESTION 1: nan's Fourteenth Amendme	
Janice Mindish		YES	NC	)
Brian Baddick		YES	NC	)
Philip Gale		YES	NC	)
Donald Stewart		YES	NC	)
Penn Manor School District and Board		YES	NC	)
preponderance of the	ou find that Joshua Shun e evidence that the violar as the proximate cause of	tion of Joshua Shuman'	's Fourteenth Amendment	
	YES		NO	
IF YOU ANSWERE	ED "YES" TO THIS QU	ESTION, THEN GO C	ON TO THE NEXT	

QUESTION. IF YOU ANSWERED "NO" TO THIS QUESTION, THEN GO TO QUESTION 13.

preponderance of the		Shuman should be awa	zer have proved by a arded damages to compensate arteenth Amendment due
	YES		NO
IF YOU ANSWERE	D "YES", THEN IN V	VHAT AMOUNT?	\$
HOW DO YOU FIN	D THESE DAMAGES	S APPORTIONED?	
	Janice Mindish		
	Brian Baddick		
	Philip Gale		
	Donald Stewart		
	Penn Manor School District and Board		%
GO ON TO THE NE	XT QUESTION		
preponderance of the	ou find that Joshua Shu evidence that any of t er the Fourteenth Ame	he Defendants violated	zer have proved by a d Joshua Shuman's right to
	YES		NO
AND 15. IF YOU A	NSWERED "NO" TO	THIS QUESTION, T	ON TO QUESTIONS 14 THEN GO TO QUESTION 17. uman's Fourteenth Amendment
equal protection righ	<del>_</del>	nd violated Joshua Sii	uman s routteenth Amenament
Janice Mindish		YES	NO
Brian Baddick		YES	NO
Philip Gale		YES	NO
Donald Stewart		YES	NO
Penn Manor School District and Board		YES	NO

15. Do you find that Joshua Shuman and Teresa Sher preponderance of the evidence that the violation of Joshua Shum equal protection rights was the proximate cause of any injuries s	nan's Fourteenth Amendment
YES	NO
IF YOU ANSWERED "YES" TO THIS QUESTION, THEN GO QUESTION. IF YOU ANSWERED "NO" TO THIS QUESTIC 17.	
16. Do you find that Joshua Shuman and Teresa Sher preponderance of the evidence that Joshua Shuman should be aw for any injuries caused by or as a result of the violation of his Fo protection rights?	varded damages to compensate
YES	NO
IF YOU ANSWERED "YES", THEN IN WHAT AMOUNT?	\$
HOW DO YOU FIND THESE DAMAGES APPORTIONED?	
Janice Mindish	
Brian Baddick	
Philip Gale	
Donald Stewart	
Penn Manor School District and Board	

6

GO ON TO THE NEXT QUESTION

17. Do preponderance of t		that Joshua Shuman and/or Teresa Shertzer nce that:	have proved by a
a. outrageous.	The	conduct of any of the following Defendants	was extreme and
Janice Mindish		YES	NO
Brian Baddick		YES	NO
Philip Gale		YES	NO
YOU ANSWEREI b.	D "NO" The	ES" TO ANY DEFENDANT IN PART a, G TO ALL DEFENDANTS, GO ON TO QUI conduct of any of the following Defendants	ESTION 18.
Shuman or Teresa	Shertzer 1)	severe emotional distress.  Joshua Shuman	
Janice Mindish	1)	YES	NO
Brian Baddick		YES	NO
Philip Gale	2)	YES	NO
Y ' NG 1' 1	2)	Teresa Shertzer	NO
Janice Mindish		YES	NO
Philip Gale		YES	NO
		ES" TO ANY DEFENDANT IN PART b (1 ERED "NO" TO ALL DEFENDANTS, GO	
c. Shuman or Teresa substantially certai	Shertzer	of the following Defendants acted intending such distress or with the knowledge that suur.	
	1)	Joshua Shuman	
Janice Mindish		YES	NO
Brian Baddick		YES	NO
Philip Gale		YES	NO

	2) Teresa Shertzer		
Janice Mindish		YES	NO
Philip Gale		YES	NO
			T c (1) or c (2), GO ON TO S, GO ON TO QUESTION 18.
	evidence that either or bot	h of them should	sa Shertzer have proved by a be awarded damages to of the conduct of Defendants in
	1) Joshua Shuman		
		YES	NO
	2) Teresa Shertzer		
		YES	NO
IF YOU ANSWEREI	O "YES" TO EITHER d (1	1) OR d (2), THE	N IN WHAT AMOUNT?
Joshua Shuman:		\$	
<u>Teresa Shertzer</u> :		\$	
HOW DO YOU FINI	O THESE DAMAGES AP	PORTIONED?	
Joshua Shuman:			
	Janice Mindish		
	Brian Baddick		
	Philip Gale		
Teresa Shertzer:			
	Janice Mindish		
	Philip Gale		
GO ON TO THE NE	XT QUESTION		

Janice Mindish	YES	NO
Brian Baddick	YES	NO
Philip Gale	YES	NO
Donald Stewart	YES	NO
Carole Fay	YES	NO
QUESTIONS 1, 5, 9, 13 OR 17	ALL DEFENDANTS, BUT ANSWERED , CONTINUE ON TO QUESTION 21. I S, AND ANSWERED "NO" TO QUESTI	F YOU ANSWERED
QUESTIONS 1, 5, 9, 13 OR 17 "NO" TO ALL DEFENDANTS 17, DO NOT ANSWER ANY I  19. Do you find that preponderance of the evidence in	Joshua Shuman and Teresa Shertzer have	F YOU ANSWERED ONS 1, 5, 9, 13, AND e proved by a
QUESTIONS 1, 5, 9, 13 OR 17 "NO" TO ALL DEFENDANTS 17, DO NOT ANSWER ANY 1	Joshua Shuman and Teresa Shertzer have	F YOU ANSWERED ONS 1, 5, 9, 13, AND e proved by a
QUESTIONS 1, 5, 9, 13 OR 17 "NO" TO ALL DEFENDANTS 17, DO NOT ANSWER ANY I  19. Do you find that preponderance of the evidence	Joshua Shuman and Teresa Shertzer have	F YOU ANSWERED ONS 1, 5, 9, 13, AND e proved by a
QUESTIONS 1, 5, 9, 13 OR 17 "NO" TO ALL DEFENDANTS 17, DO NOT ANSWER ANY I  19. Do you find that preponderance of the evidence	Joshua Shuman and Teresa Shertzer have that the negligence of any of the Defendary them?	F YOU ANSWERED ONS 1, 5, 9, 13, AND e proved by a nts was the proximate

IF YOU ANSWERED "YES" TO THIS QUESTION, THEN GO ON TO THE NEXT QUESTION. IF YOU ANSWERED "NO" TO THIS QUESTION, BUT ANSWERED "YES" TO EITHER QUESTIONS 1, 5, 9, 13 OR 17, CONTINUE ON TO QUESTION 21. IF YOU ANSWERED "NO" TO THIS QUESTION, AND ANSWERED "NO" TO QUESTIONS 1, 5, 9, 13, AND 17, DO NOT ANSWER ANY MORE QUESTIONS.

20.

Do you find that Joshua Shuman and Teresa Shertzer have proved by a

		nould each be awarded damages to compensate for any ligence of the Defendants?
a.	Joshua Shuman:	
	YES	NO
b.	Teresa Shertzer:	
	YES	NO
IF YOU ANSWER	ED "YES" TO EITHE	R 20a OR 20b, THEN IN WHAT AMOUNT?
Joshua Shuman:		\$
Teresa Shertzer:		\$
HOW DO YOU FI	ND THESE DAMAGE	ES APPORTIONED?
Joshua Shuman:		
	Janice Mindish	
	Brian Baddick	
	Philip Gale	
	Donald Stewart	
	Carole Fay	
Teresa Shertzer:		
	Janice Mindish	
	Brian Baddick	
	Philip Gale	
	Donald Stewart	
	Carole Fay	

IF YOU ANSWERED "NO" TO BOTH 20a and 20b, BUT ANSWERED "YES" TO EITHER QUESTIONS 1, 5, 9, 13 OR 17, CONTINUE ON TO QUESTION 21. IF YOU ANSWERED "NO" TO THIS QUESTION, AND ANSWERED "NO" TO QUESTIONS 1, 5, 9, 13, AND 17, DO NOT ANSWER ANY MORE QUESTIONS.

21. Do you find that Joshua Shuman and Teresa Shertzer have proved by a preponderance of the evidence that the Defendants' actions were of such an outrageous nature as to demonstrate intentional, willful, wanton or reckless conduct to that punitive damages should be assessed to punish any of them and deter such conduct by others?

Janice Mindish		YES		NO
Brian Baddick		YES		NO
Philip Gale		YES		NO
Donald Stewart		YES		NO
Carole Fay		YES		NO
	RED "YES", THEN IN		\$	
	Janice Mindish		%	
	Brian Baddick			
	Philip Gale			
	Donald Stewart		%	
	Carole Fay			
Date		Foreperson		